

Canterbury Regional Council -----Environment Canterbury

Proposed Canterbury Land & Water Regional Plan

Presentation to Commissioners in support of my written Submission

1 My name is Robert Hugh Merrell Johnston

My address is 519 Ashley Gorge Rd, RD1 Oxford 7495

Occupation Retired Farmer, Councillor, & Commissioner

2 Background-----As detailed on page 1 of my submission, I have had a long record of public involvement, mostly elected, some appointed, principally in the wool industry, farming and local government areas.

3 My most recent significant contribution was as a Commissioner on both panels of the NRRP hearings process ----from late 2006 until October 2010.

4 From my perspective, such were the shortcomings of this Plan before you, Mr Chairman and Commissioners, in terms of formulation, assumptions, content, ramifications and processes, that I felt compelled to re-engage and submit, notwithstanding my official "retired" status.

5 As explained bottom of page 1, I included my independent view as a commissioner, appended to the NRRP Plan on 2 subjects-----Nitrate levels in drinking water and afforestation in 'sensitive' catchments, copies of which I attach.

6 I must also now explain that my acceptance and inclusion of "Overseer TM" as a tool in the Water Quality section of the NRRP was based, in good faith, not on my/ our knowledge of, or confidence in, the programme, but rather on and acceptance of staff assurances that this (Overseer TM) was robust and defensible ----both now known not to be the case. We were it seems, somewhat misled.

7 On page 2, I note some of the essential ingredients needed in any plan ----1 (a) to 1(f)

8 And on pages 2 & 3 , I discuss firstly the praise ,followed by the unwarranted criticism of the NRRP by both staff and Commissioners. Thankfully this has now stopped with recognition being given to the 80% -85% of the LWP, now under your consideration, having come from the NRRP. The linkages with the CWMS and the new Regional and Zone committees, coupled with giving effect to the edicts from the Land and Water Forum in Wellington are the only tangible additions to give any substance and a 'raison d'etre' to this plan. Just having a plan that is shorter and easier to read doesn't in itself make it better.

9 Consultation . Turning now to the consultation process , or in this case the lack thereof, I discuss this at some length on page 4.

This plan had its genesis in the flawed notion that " Canterbury had no water plan". So the call went out to get a plan prepared poste- haste, and the process completed by October 2014.

10 Having been so closely involved as a Councillor and Commissioner for the previous decade , I had some knowledge of the consultation process that is required for plans ,both District and Regional, specified under the RMA, which then defaults to the Local Government Act 2002 ---section 82. As explained, Ecan was clearly in breach of its legal obligations, but forged ahead anyway. I went to one of the few meetings before the cut off date for public input in early May 2012 at Cheviot. I was dismayed with the presentation and wrote a long letter to Peter Constantine (copy to all Commissioners),outlining my concerns. It was never replied to, and two Commissioners later told me they had not received a copy, so I presume no one did.

11 The deadlines and timelines imposed might have suited this process and the 'master plan,' but failed under 'Natural Justice' and the consultation undertaken did not, in my view meet the legal requirements. Looking back you could almost say there was carefully planned avoidance. The Council seemingly didn't want to engage on an widespread basis until after the Plan was notified.-----hardly a basis for confidence .

12 By their own admission some Commissioners had little knowledge or comprehension of some parts of the plan. eg the forestry restrictions had never been thoroughly discussed or debated.

13 Having explanatory meetings after the closure of public input is fine, but doesn't change anything—the path has by then been charted,— any change is now left to people such as myself to convince you , Mr Chairman, and your Commissioners, of the merits of our concerns.

14 Rules and Compliance Criteria-----Point 1 (d) page 5----I bring this to your attention and emphasise the need for regulatory compliance criteria and dates to be more precise-----people need to know and importantly need to have total confidence that the tools ,systems and criteria are fair, accurate and defensible. The non enforcement "window" until 2017 is fine but also lulls people into a false sense of security. And you can't endorse any plan which relies on "hope," ---hope, for example, that the shortcomings with Overseer TM will be overcome by then.

15 Planning Maps. 1 (e) page 5---- Similarly, the planning maps need to be revised---- they are not defensible. I know they came across from the NRRP ,but the bar has been lifted since then and there is now clearly a regulatory purpose and use as well as an allocation and/or availability one. To have Red Zone foothill country, for example, is quite wrong . And a 10% change in nitrate leaching based on an unreliable Overseer AND suspect maps is plainly wrong and unacceptable.

16 Revision is essential.-----these are the "First Order " maps, produced for NRRP purposes which was based on a very simple premise.----- vis ---33% only of all rainfall is available for groundwater recharge. The balance flows to the ocean or is lost by way of evaporation. THEN, taking the 'precautionary' approach, only HALF that 33% is available for allocation across a water zone. Hence take a rain fall of say 24 inches per year, multiply by 33% = 8 inches. HALF of that = 4 INCHES or 100 mm is then converted into litres per sec per annum and therefore available for allocation to irrigation.

17 Importantly , no account is taken of " Second Order " water ---that is the water from the alps that has taken hundreds of years to filter through and down to the alluvial gravels under the plains, or the hydraulic recharge of

those gravels from the river systems ,large and small, that dissect the plains. Proper account must be taken of these water sources and reserves and added to the rainfall recharge figures to give a more accurate and defensible volume.

**This could increase water availability for irrigation by a huge amount.**

Additionally you might like to consider whether simply halving the residual rainfall ( on the grounds of taking the ' precautionary approach') available for groundwater recharge is in itself robust and defensible. There is no science attached to it ----it seems totally subjective.

18 I commend to your attention my thoughts on page 6 & 7 on the subject of National Regional and Local rules and consistency, the Regional and Zone Committees structure ,functions and responsibilities. The concept of local empowerment is fine, however the reality is a lot different with the so called " open collaborative consultative community " involvement mostly a joke--- certainly with the Zone in my area . There hasn't been a public feedback meeting for over a year ,and for example, no one knows what's happening with the Lees Valley dam proposals. The minutes show quite a few "public excluded" sessions, which raises many concerns.--- One wonders what could be so important at local Zone level as to require the exclusion of the public!

19 They, the Zones, seem to be totally dominated by Ecan, not just agenda and programmes, but down to the membership, with many worthy people not even getting an interview to fill a vacancy. It is a totally undemocratic process with all members being 'appointed' and then only those who Ecan deem to be "suitable" get considered. However well intended it is a most inappropriate process and should be changed.

20 The real worry will be their influence in developing local Zone criteria, rules and standards, which I understand will then take precedence over the determinations which your panel may come to. Staff advise me some of the criteria may then be even tighter than that which is proposed now. That is the reason I submit and draw your attention to the last paragraph in the middle of page 7.

21 ' Nutrients' and 'Allowable Nutrient Levels'---- I discuss this under 'Shortcomings' pages 7&8 of my submission. And in further detail on page 14

There seems to be an underlying theme that nitrates and other 'nutrients' are 'poisons'. Perhaps at extreme levels they might be, but where are those levels and the limits? It seems that the 20kg/ha limit of nitrate leaching and the 10% change trigger, were just plucked from somewhere as convenient figures. Where is the quantified science behind these levels? I ask you to explore the science behind both and justification of and for them. Why 20kg per ha and not 25kg or 30kg? Why 10% change and not 15%? And what is the linkage, or is there a linkage with the 20 kg back to the WHO 22.6 ppm standard, or our NZ standard at half that, of 11.3 MAL for drinking water? This is far more complex than just measuring 1 or 2 relationships --- the more parameters you attempt to measure the more difficult and less precise it becomes. Until we understand the actions and inter-reactions we can't be sure that reality will reproduce the scientific expectations. At this point it seems clear that Overseer is too imprecise, too variable and unreliable to be used for anything other than managerial assistance-----certainly not for regulatory purposes. A lot more good science is needed. More on Overseer on page 7.

22           The nitrogen cycle and the (in)valuable contribution made by legumes, has been the very foundation of all agriculture since mankind began tilling the soil thousands of years ago. The legumes "fix" the N which is then available to enhance plant and grass growth. During a fallow, the bacteria in the soil break down the fibrous matter, releasing N which is then available for the next crop----grass, grain or fodder crop. Also and not widely known, even snow flakes have the capacity to capture atmospheric N-----which accounts for the old shepherds saying "That the best spring always follows the harshest winter." I have submitted that all 'free' and naturally produced, leguminous N be excluded from consideration.---- And don't forget that gorse and broom are also legumes!!!

23           Flow Sensitive Catchments -----I discuss this at some length on pages 8 ,9, 10, & 11 ,with a list , A to H, of submission points. This subject had been the subject of exhaustive debate and examination both in the formative stages going in to the NRRP Water Quality chapters and then in the submission and deliberation process which followed. On balance and after all the evidence and science was considered and further

examinations made----all but 9 catchments were excluded. ie, the balance, approx 50 ,didn't stand scrutiny ---they didn't then and I submit they still don't.

24 Ecan Commissioners, senior staff, even Peter Constantine, could not answer my questions on the subject. They were either deflected or they just did not know. I was astounded. Quite simply ,I believe the original architects of this policy were so disappointed with our (NRRP) determination to reduce the restricted catchments to 9, and seeing their chance, grabbed it and hence the re-inclusion-----back to 55 approx ----- carefully, subtly and under the radar, hardly telling a soul and you might almost say, surreptitiously sprinkled throughout the new document, hoping they would go un-noticed ---- -well they nearly did.

25 I have reserved my harshest criticism of this plan for this subject and its architects. This subtle, almost secretive re-inclusion of these catchments coupled with the absence of any meaningful consultation with those most likely to be affected---forestry interests and hill country land owners, resulted in a widespread lack of knowledge and understanding including both Ecan Commissioners and other staff. Very few knew of this re-inclusion. That would, in my view, have to rank as one of the most devious and duplicitous acts ever perpetrated by this (or perhaps any other) Regional Council. Even Mr Bayfield ,CEO told me recently that this ( the re-inclusion) had managed to get through without hardly anyone (that mattered) knowing and "raised a few eyebrows".

26 That is why I submit that you revert to the 9 catchments that have stood the scrutiny previously, Importantly I submit that any restrictions on catchments re-included, must be by "catchment" and not by "title". And I am happy to discuss the reasons for this further if you wish. Also I submit that you can now factor in the positives for forestry so far as Carbon Sequestration and the ETS are concerned,-----matters which the panel I was a member of could not.

27 Further ,I suggest that if you wish to corroborate my evidence and views , then you should consider inviting Dr Brett Cowie ,chair of both NRRP panels, to outline to you from his perspective, of why we discarded all but 9 catchments.

28 Is there not a universal right for every human being to use the rain that falls on their property ? Nowhere in the world can you find a government or local body that claims ownership of rain then disperses it unevenly to its constituency with no recompense-----hence my submission for you to adopt the Canadian model-----downstream users (of a water resource) compensate upstream providers if they have been denied or deprived of that use. This is more than just guaranteeing environmental flows—this is about guaranteeing water to some while denying it to others.

29 Other benefits to consider that forestry provides include-----  
( a ) buffers in times of heavy rain-----reducing impact of sudden floods  
(b) reduced sedimentation downstream-----improved water quality  
(c) delayed run off maintaining flows in creeks and streams for longer.

30 National Importance . Forestry is now New Zealand's 2<sup>nd</sup> or 3<sup>rd</sup> most important export earner, just behind dairy products. The sheep industry is languishing with vastly reduced numbers and price levels so low that vast areas of hill country (traditional sheep country) is reverting with production falling . Long term, perhaps the only viable land use alternative for much of this land in the future, will be forestry. Why restrict an industry which has such an important role to play in our future?

31 Overseer TM

I am sure by now that you will be very familiar with Overseer TM and the concerns many people have about its suitability ,capabilities and accuracy.

My submission---pages 11 ,12, & 13--- encapsulates my thoughts and concerns.

32 It seems to me that the architects of water quality improvement have seized on this imprecise, unproven, and unreliable computer technology to not only measure the “nutrient status “ of our properties with variations or exceedences from imposed levels, triggering enforcement even prosecution , but also the requirement for a resource consent , and/or restricting a future farming practise or opportunity.

33 As explained , the levels of variability with Overseer are acknowledged as huge (up to + or – 30 %), by contrast with the wool industry

Objective Measurement standards where 0.1 of a micron for fibre diameter and 0.1% for yield and VM, which together make up 90 % of the factors affecting price, are the measurement parameters and acceptable industry tolerance levels.

34 Two other regulatory tools we are familiar with which have penalties for exceedences, speed detection and breath or blood alcohol levels for driving. Both have a level of accuracy which stands scrutiny and society accepts. By contrast Overseer does neither. And by extension, it is proposed to be used to determine future land use options as well as regulatory exceedences. It can't be.

35 You can tell -----I have very little faith in Overseer, however well intentioned it may be.-----I simply say this -----

--- Don't ask the farmers of Canterbury to have imposed on them and be forced to accept a mechanism so imprecise and inaccurate as to give a variability range of 60% (+ or - 30%)-----some suggest even more.

--- Don't ask me to be reassured that the \$10 million the three owners of Overseer are about to spend to make improvements will solve the problems.

--- Please don't impose ridiculous impositions on all 17,000 rural land owners, 9,000 of which are around 4ha, to provide a "nutrient budget" and setting thousands of small block holders up to be non compliant.

--- Please don't approve a regulatory system which will grow expedientially, require a small army of monitoring and enforcement staff, but which will still not be able to cope.

--- Don't be surprised if when 2017 arrives there will still be dismay, distrust, lack of knowledge and acceptance resulting in non compliance.

--- Don't be impressed by those who see great "opportunities" flowing from the introduction of the plan, more particularly Overseer.-----The biggest opportunity will be to those engaged in the professional consultancy business-- --a lot of work for them and the cost will be born by the farmers,---- for the practitioners (of Overseer) will need to be licensed.



--- Don't ask me to be reassured that exceedences of this or that parameter can be overcome by getting a resource consent. If it is that simple, then the effect on the environment wouldn't have been too adverse in the first place! And that (consent) would only come at further cost to the applicant.

36 It is only fair Mr Chairman and Commissioners that I urge you to introduce some common sense and delays ,at least until the technology can be improved to an accuracy of that in the wool industry .In the meantime revert to an" input" basis to control nutrient management. The one under consideration is far too flawed.

37 I discuss my thoughts on compliance monitoring Regulation and Enforcement on page 15 ---and I ask that you give them consideration . Many have been touched on in this presentation, but there is a compelling need to clarify for farmers just what the regulatory expectations will be.

38 Similarly on page 16 ,under the heading 'Enabling or Restrictive' My summary of this is ,as things stand ,after careful analysis, there will be very little coming out of this plan that can be described as enabling ,any that are have many qualifications attached to them immediately negating the 'enabling' aspect . Sadly and by contrast by far the biggest impact will be restrictive leading me to the view that much of the impact, while well intentioned for the environment, will have serious and negative, not to mention expensive, ramifications for farmers and the future of Canterbury agriculture.

39 Summary I include by way of summary the same one as that which I included in my submission.

Thank you Mr Chairman and Commissioners for the opportunities to make this presentation to you today.

Robert H M Johnston. MNZM Dip VFM MNZIPIM

20<sup>th</sup> May 2013

## Water Yield from Sensitive Catchments

Catchments Retained in chapter 5 of the NRRP Schedule WQL 15

Waipara

Waitohi

Okuku

Te Oka (Banks Peninsula)

French Farm Stream (Banks Peninsula)

Hororata

Selwyn (Upper )

Opihi

Waihao

From Submitter ID No 30----- R H M Johnston Oxford.

Environment Canterbury -----Land & Water Regional Plan (proposed)

Errors & Omissions in the Summary of Decisions Requested.

I am in receipt of the public notification of the summary of decisions requested in my submission to the LWRP.

There are several omissions ---as detailed

- 1 Challenge the legitimacy of the claim that nitrates in any water are damaging to human health. (Page 8--1st para)
- 2 Discard and remove from consideration all naturally produced Nitrates that cannot be linked or associated with microbial contamination. (page 7---last Para)
- 3 Zone and Regional Committees----Examine the structure, membership, appointment process, and role. Recommend 75% of Zone and @25% of Regional be elected. (Page 4 --2<sup>nd</sup> Para --also Page 17 --2<sup>nd</sup> Para)
- 4 As well as giving consideration to Carbon and ETS benefits from forestation in hill country --Add the Economic benefits as well. ( page 10 --2<sup>nd</sup> Para [b] )
- 5 All but 9catchments be removed from forestry restrictions leaving only those finally retained in the NRRP. (page 11 [B] )
- 6 Re-examine the whole basis on which the forestry restrictions are founded (Page 10--1<sup>st</sup> para & Page 11 [H] )
- 7 Devise a compensatory plan for affected land owners if economic opportunities are removed through forestry restrictions.(Page 11 --G )
- 8 Encourage a speed up of improvements to Overseers TM to remove the variability.(Page 13-----A )
- 9 In meantime, revert to an input based set of guidelines to influence nutrient status. (page 13 --B)
- 10 Clarify for land owners what regulatory expectations will be required (page 16 Points A & B)
- 11 National Regional and Local consistency---Examine (page 4 --2<sup>nd</sup> Para )
- 12 Change Restricted discretionary to Discretionary ( Page 11 Point D)

Could you please add these to the 16 you have already identified.

Water yield from sensitive Catchments

Further comment from Commissioner Johnston.

Replace the narrative (page 6) from Dr Cowie with the following.

Commissioner Johnston is in general agreement with the decision reached by the panel where 50 catchments were removed from restrictions ( leaving 9) and which is more focused and effects based than the per property restrictions in the plan as notified . He is in agreement with the general principle of maintaining low or environmental flows in the river systems. However, some questions still remain. Commissioner Johnston 's reservations with respect to the robustness of the science ,models and trials used ,remain. And even if the science is all it is purported to be, then it seems almost a contradiction to only focus on exotic forestry while leaving indigenous forest and its regeneration virtually out of contention. This has been further highlighted more recently by matters pertaining to the Kyoto protocol , ETS , and Carbon farming, none of which were on the radar screen when the plan was developed. Hill country farmers today are being encouraged ,and paid ,to allow their country to regenerate to native forest or just to plant more trees with not even a passing thought to water yield. A complete turnaround.

The other major conundrum was to balance the rights of existing users of the water with the rights of the property owners from whence the water comes and their ability to utilize their land. Commissioner Johnston believes this is tipped more in favour of current users and while afforestation opportunities are still there for those property owners in the 9 catchments , they will eventually be taken up. Meanwhile existing or new users may well increase their take , and reversion to indigenous forest may well continue.

Depy 3/10

COMMISSIONER JOHNSTON -----FURTHER COMMENTS

Objective WQL2 Groundwater Quality

Commissioner Johnston has another view. The New Zealand economy is heavily reliant on its agricultural production and exports, which centres around efficient pasture production, the key element of which is the nitrogen fixing capacity of the legumne component within that pasture. This "free N" is worth literally billions of dollars to New Zealand.

Commissioner Johnston's understanding is that elevated nitrate nitrogen levels in themselves are unlikely to be harmful to human health, but are more likely to become so when associated with microbial contamination in the same water. In those instances the use can be avoided.

Further the WHO has determined that a level above 22.6 is unacceptable, our health authorities have halved that to 11.3 MAV (as a precautionary approach) and we are halving it again (5.6) when we ring the bell, which in turn impacts on our agriculture -----the country's very lifeblood.

We know the at risk portion of the population are the very young bottle fed infants, and the known instances of "blue baby syndrome" are around one per year nation wide. This risk can be avoided by breast feeding or the use of bottled water.

The question then arises as to whether the ultra precautionary approach as adopted is in balance with the associated risks, and the impact on the national economy. Commissioner Johnston does not believe so.

Jeff 2010

## Robert Emmie Johnston

To: peter.constantine (a) ecan.govt.nz  
Cc: commissioners (a) ecan.govt.nz  
Subject: Land and Water Regional Plan ( Draft)

Dear Mr Constantine,

As you may remember I was an attendee at the meeting you held in Cheviot last Wednesday afternoon. It was on the whole a good gathering allowing for a free flow of questions and responses but not a big gathering. There did however emerge some concerns which I now want to discuss with you before it is too late.

Firstly, I read the article in The Press on 30<sup>th</sup> April in which Commissioner Skelton gives a broad out-line of the process and objectives and timelines. I also listened carefully to both your and Commissioner Bedford's introductory remarks which set the scene for the plan and the afternoon's discussion.

### My concerns

- 1 Awareness** - Apart from those farmers on the Federated Farmers email list, very few people have any idea that this re-writing of the plan is in progress. In fact I would venture to suggest that of the 17000 block or rural land holders you would be lucky if 2% or 3% knew what was going on.....
- 2 Consultation** - As I said to Commissioner Bedford before the meeting got underway, I thought only 3 meetings throughout the region was nowhere near enough, especially given the importance of the proposals, notwithstanding it is still in the pre notification stage. That arguably, makes proper consultation perhaps even more important. (As Chair of Pests I remember convening 23 meetings with interested groups from Kaikoura to Kurow before a revised Pest Plan went out for public consultation and submissions.) In my view much more public engagement is needed at the formative stages.
- 3 Praise now Criticism** - When the NRRP was finally completed and formally handed over to Dame Margaret Bazley and her Commissioners in October 2010, it was generously praised for it's comprehensiveness and thoroughness, and welcomed by everyone with an interest in the management of the region's water resources. This of course included the Government who had long be critics of the old Council for the "lack of a water plan for Canterbury".  
Now I observe the NRRP is being criticized for being too "fragmented, complex and inconsistent" (Peter Skelton Ch Ch Press 30<sup>th</sup> April) As commissioners on those two panels we had to work within the confines of what we were given --- 3500 submissions, 650 of which wanted to be heard and subdivided into 30 odd chapters. Of course it was "complex" because the issues being addressed were very complex as is the geography of Canterbury. And nothing has changed. I would be interested to know just where it was "inconsistent or fragmented" No one ever claimed that it was perfect --- my own view is that perhaps it tried to achieve too much and was therefore too long and too comprehensive. But that is not a good reason to now tear it apart.
- 4 Simplification** - It has been explained that the intent is to simplify (and thereby shorten ) the NRRP from its current 1300 or 1400 pages, down to 250 or so. On the face of it that seems to be a laudable objective but I am at a loss to see how that can be achieved without seriously compromising the integrity and completeness of the NRRP. It almost defies gravity to believe the NRRP could be reduced to 1/5 (one fifth) it original content without omitting some important features. On Wednesday I uncovered just one serious flaw - the forestry provisions --- which I will discuss in para 9 - water yield in sensitive catchments.
- 5 Integration of the Canterbury Water Management Strategy.** - I support the move to incorporate and weave into the new plan what will flow out from the CWMS and the work of the Zone and Regional Committees. That is only sensible and will give that Zone and Regional work the appropriate statutory backing which is currently absent. However I fail to see why the NRRP has to be so severely mutilated to achieve that objective.
- 6 Building on the NRRP** - Commissioner Bedford made the point at Cheviot that this process was about "building on the NRRP" and not dismantling it.

I just hope that is the case, but I will receive my judgement, for at this point, I am not convinced that the NRRP will not be seriously compromised in this quest for brevity and simplification. The indicators that I see point to a pretty serious dismembering. I just hope I am wrong.

7 Stock Access. You made the claim that the stock access provisions and rules in the new plan were straight out of the NRRP - therefore no change. You might be right but I have not had a chance to study this in any depth. However reflecting on the discussion, it seems that if 25degrees slope and 700 metres (or is it 900 mtrs) are the thresholds then there will be an enormous amount of country in the "High Country" which will be captured --- eg. Lees Valley and the McKenzie basin, not to mention all the back country river valleys. There will be great confusion surrounding cattle breeds as well and what will be captured and what will not. I don't believe anyone has an issue with fencing stock out of water bodies on the intensively farmed plains, but the confusion will remain where one land class ends and the next begins or what land use is captured and what is not. What I am certain of however, is that if these rules are too all embracing and capture extensive back country properties below those thresholds, you will be imposing on them conditions which will be impractical to implement and achieve and pretty much unaffordable. For the fencing of the waterways, is only the start --- take the natural water away from the blocks and it will have to be replaced with a reticulated supply --- at huge expense. (I know it cost me well over \$100,000 to water 210 ha of a new dairy conversion, plus drilling a deep well, and that was 10 years ago) So great care and due regard must be had to the consequences of these provisions. If they are too draconian they either couldn't or wouldn't be complied with. Therefore you need to balance the objective with what is achievable and practical.

8 Nutrient status. I found the discussion on this thoroughly confusing and potentially alarming. Setting an "N" level of 20 kg per ha per year (including naturally produced "N" from legumes such as clover and lucerne (also gorse and broom!) almost defies belief. To require a nutrient budget from serious farmers is fine and achievable, but to extend that down to 4 ha lifestyle blocks, and even smaller, is something else. The figure of 17000 holdings in Canterbury was mentioned, of which 9000 were small blocks. --- I know there are over 5000 in the Waimakariri District alone. The intent is to use the "Overseer" computer programme to calculate this. I know from the discussions we had during the NRRP process that "Overseer", good as it is, has many limitations, and these were also pointed out by Mr Daley at the Cheviot meeting. It will take years to accumulate that information in a credible and robust form that stands scrutiny so my concern is you may be setting out on a path that is unachievable.

In your explanations of how things could be simplified from non complying (banned) to restricted discretionary (requiring a consent) down to complying (below the 20kg of "N" status) you made it all sound so simple. --- "Oh you just need to get a consent" --- if you were above the 20 kg threshold --- no problem. !!!  
Could I say, --- just spare a thought for how many of these there might be --- conceivably thousands I would suggest, and at what cost --- \$1250 or so for the simplest consent and \$9000 per day if it goes to a hearing. And has the organization got the staff and resources to cope with that volume of work --- I doubt it, for I know what pressures the flood of water consent applications had on I can when I was there --- they couldn't meet the deadlines, it just wasn't possible. I believe you need to reassess this whole area --- the nutrient loadings, the assessments, the threshold, and the tumbledown when a consent will be required. If you are not extremely careful you will devise a scheme which will be quite unworkable and invite non compliance because of its stupidity.

Remember that Nitrogen and Phosphorous are the very basis of sustaining living plants on the planet, on land and the sea, quite apart from being the very lifeblood of agriculture in this country, which in turn is the very lifeblood of our economy. It seems the popular view being expressed today is that they are the enemy --- quite the contrary --- take them away and see where New Zealand's export revenue would be. You must get the balance right. It seems almost incomprehensible to me that 20kg of "N" per ha per year (including naturally "fixed N", can be correct and defensible. Something seems awfully wrong. I appeal to you to give this some more thought and close examination. Even winter snow falls capture atmospheric nitrogen --- can we ban them too!!!!

9 Water yield in sensitive catchments. As I explained at Cheviot, this subject started out as a separate chapter, and along the way got incorporated into the Water Quantity chapter of the NRRP. It was the subject of intense debate, numerous presentations, some scepticism about dodgy science and a lot of reservations --- and --- all that before the plan was notified. As commissioners we heard a multitude of submissions from all points of view, and came to our decisions after much deliberation and examination of the science. In summary, from the 60 odd catchments throughout the region embraced in the original plan we discarded all but 9 (nine) of the driest and most sensitive, where the imposition of restrictions on forestry plantings was warranted, defensible and with the possibility of beneficial effects downstream on water yield. It was the subject of literally months of work. I was dismayed to have it revealed (in answer to my questions) that the whole forestry or water yield section had been "simplified" --- reduced to 3 paragraphs with the restrictions now expanded to all catchments in the region, not just the 9 that we NRRP commissioners had identified as appropriate. (no one could tell me just how many) ---

all with a blanket threshold of 15% of the property area and retained the replanting provisions which we had included.

*As I also explained at Cheviot, since 2001/2002 when the NRRP was taking shape, a whole new subject of Carbon Credits and the Emissions Trading Scheme has been developed and put in place. New forest plantings are an essential part of the ETS and are being actively encouraged by central Government (or at least one arm of it) in an effort for New Zealand to meet its protocol commitments on Carbon. Regional Councils too have been part of that encouragement making large sums of money available by way of forestry grants for new forest plantings. At the end of our NRRP process we were aware of the changed circumstances but couldn't do anything about it ----- it wasn't part of the plan and we were not at liberty to just include it*

Leo Fietje explained that the Council didn't have the resources to compile the base line data of forestry areas in those 9 catchments, we had nominated, within the next two years, as we required. But now this plan proposes to embrace all catchments in the region - 60 plus - at a 15% of area threshold. So how, might I ask with great respect, if the council couldn't cope with gathering data for 9 catchments, does it propose to gather base line data for all 60 odd catchments? How long will that take - 10 years perhaps? And has it the staff available? I think not. *Also as I explained at Cheviot, with the exception of the last 18 months or so, the fortunes of the meat and wool sector have been very depressed for the last 15 or so years. Wool particularly has been at an all time low. That has been one of the principle drivers for the growth in dairy conversions on flat land. Back in the hills those dairy options aren't available and a lot of land has reverted or is reverting back to scrub or gorse and broom, it being uneconomic to save that country for pastoral farming. Forestry offers the one positive alternative land use option that has real possibilities for a lot of the now marginal hill country and which connects exactly with Central Government's ETS objectives. This plan is now suggesting that that option be cut off at 15%. Please don't now say - "Oh above that threshold you could always get a consent" Quite impractical - It would be beyond the reach of the average hill country farmer to harness the resources required to collate the evidence needed to demonstrate that the proposed forest wasn't going to compromise water yield in that particular catchment. Only the corporate forestry companies could afford to engage in that process, the outcome of which would be at best, an objective assessment only - it being in my view well nigh impossible to determine the actual effect of one proposed forest on the water yield of a whole catchment.*

Additionally, some of the so called science that was produced on this subject was pretty suspect to say the least and I doubt it has improved in the interim. We did however decide that using the 7 day MALE producing areas of a catchment offered a defensible base line on which to set some parameters for setting limitations on areas to be planted, but only in those driest 9 catchments. But now all that is about to be discarded. How very disappointing - I am dismayed.

Summary - Could I counsel a great deal of caution. Some of this new plan needs a serious rethink and maybe a fresh set of eyes. In the desire to update and simplify the regional planning framework, I can see real problems ahead. In the 30<sup>th</sup> March CH CH Press article Commissioner Skelton says the new plan will be more quote "enabling" than the previous one (NRRP). With respect I wonder. Simon Upton used the same expression 20 years ago in 1992 when launching the RMA. That was to be "enabling" legislation too, to "enable" people and communities to take care of their social, economic, cultural, and environmental needs. Many would argue it has failed on many fronts and harsh critics would suggest far from being "enabling" it has been "disabling" with the legal fraternity the major beneficiary. So I get very nervous when I hear the word "enabling" used in this context. It does not engender any confidence in the process or the outcome sought. Quite the reverse - it sounds very loud alarm bells.

From the bald facts as I understand them on just three subjects, I can see in the quest for brevity and simplification within a constrained timeframe, the new proposals will have far reaching but not necessarily beneficial effects. Unless revised they will (a) omit some very important features, (forestry segment) (b) they will commit some properties to exorbitant and unjustifiable expense. (I can think of one property I know where an estimated \$600,000 might be required to fence and then reticulate a new water scheme - maybe even more. Quite unaffordable and it would be the end of that farm business.) (c) far from clarifying, they will create huge confusion about stock access to water particularly in the hill country and high country basins, (d) will create an administrative nightmare for the council so far as the nutrient loadings and budgets are concerned, without even beginning to examine whether the 20kg of "N" per ha per year is appropriate or defensible. And then (e) to go on to say that "you can then get a consent for this or that activity" is not the answer either. If it is that easy to tumble down to requiring (and getting) a consent which by implication will not have harmful effects, I can foresee the volume of applications could swamp the council's resources and in the absence of harmful effects, why tumble down so quickly. Are you making a rod for your own back?

I only heard about this at the last minute, and I am surprised that it hasn't been better publicised with more public engagement and input. Three public meetings with a low turnout at the 11<sup>th</sup> hour does not constitute fair and



reasonable public consultation process. The overwhelming majority of rural property owners, big and small wouldn't have a clue of what's going on, let alone the implications.

My final comment would be for your staff and the Commissioners when it gets to them, to not only focus on the environmental improvements that are the objective, and the timelines of getting there with the plan, on the one hand, but equally importantly in my view, the ramifications of the rules attached to these plans and whether they are practical, sensible, achievable, affordable and able to be implemented. Perhaps you should make haste a little more slowly.

Please feel free to contact me if you wish to follow up on any points.

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